

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**STATE FARM FIRE AND  
CASUALTY COMPANY,**

Plaintiff,

v.

**THE MERITAGE HOMEOWNERS’  
ASSOCIATION,** an Oregon non-profit  
Corporation,

Defendant.

No. 3:14-cv-01623-JE

OPINION AND ORDER

**MOSMAN, J.,**

On March 4, 2015, Magistrate Judge Jelderks issued his Findings and Recommendation (F&R) [18], recommending that Defendant’s Motion to Dismiss [6] should be GRANTED and this action should be dismissed. No objections to the Findings and Recommendation were filed.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

*Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Jelderks' recommendation and I ADOPT the F&R [18] as my own opinion.

IT IS SO ORDERED.

DATED this 1st day of April, 2015.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Judge